

*EUDYPTES SCLATERI* BULLER, 1888, AND *EUDYPTES ROBUSTUS* OLIVER, 1953 (AVES, SPHENISCIDAE): PROPOSED PRESERVATION UNDER THE PLENARY POWERS. Z.N.(S.) 1893

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The type of *Eudyptes atrata* (sic) Finsch (1875, *Ibis*: 114), a melanistic crested penguin from the Snares Islands, was lost at sea while being returned to New Zealand after it had served as model for Keulemans' illustration in Buller (1888, *History of Birds of New Zealand*, vol. 2, plate opp. p. 294). Buller described and named the Erect-crested Penguin, *Eudyptes sclateri* (breeds Bounty, Antipodes, Campbell and Auckland Islands; type from Aucklands) in the same volume (p. 289). He did not realize that the white-breasted, crested penguin breeding on the Snares was different from his (p. 288) crested penguin, *Eudyptes pachyrhynchus* Gray (1845, *Voyage Erebus and Terror*: 17), also known as the Fiordland Penguin and breeding on southern South and Stewart Islands, New Zealand. The difference was first noted by Falla (1935, *Rec. Auckland Inst. Mus.* 1: 322-325) who applied Finsch's name *E. atratus* to it. Oliver (1953, *Emu* 53: 185-187) showed that the lost type of *E. atrata* Finsch was more likely a melanistic vagrant of the Erect-crested Penguin rather than a resident Snares bird. He therefore transferred *E. atratus*, a name in general use for 65 years for the Snares population, to the Erect-crested Penguin and named the Snares bird *Eudyptes robustus*.

2. Confusion now exists on the part of New Zealand workers and penguin monographers, some of whom follow the *Checklist of New Zealand Birds* (Fleming 1953: 15) in using *E. sclateri* Buller, 1888, and *E. atratus* Finsch, 1875, for the Erect-crested and Snares populations respectively, and others who follow Oliver (1955, *New Zealand Birds*: 72-78) in using *E. atratus* Finsch 1875 and *Eudyptes robustus* Oliver, 1953, respectively.

3. Inasmuch as the melanistic type of *Eudyptes atratus* is now lost and its characters, based on Keulemans' illustration in Buller were peculiar in other ways (bill shape, flipper length [vide Oliver 1953, *Emu* 53: 186]), it may best be regarded as indeterminable at present. This would leave two unequivocal names for the Erect-crested (*Eudyptes sclateri* Buller 1888) and Snares (*Eudyptes robustus* Oliver 1953) Penguins, with extant holotypes in the British and Canterbury, New Zealand, Museums, respectively.

4. Therefore, in the interests of nomenclatural stability and to avoid the confusing use of the name *Eudyptes atratus* Finsch for either of these taxa, while still leaving *Eudyptes atratus* available should it ever be demonstrated to be applicable to a third taxon, I apply to the International Commission to take the following actions:

- (1) to use its plenary powers to Rule that *Eudyptes sclateri* Buller, 1888, and *Eudyptes robustus* Oliver, 1953, are to be given priority over *Eudyptes atratus* Finsch, 1875, by any zoologist who considers that *Eudyptes atratus* is a synonym of either of the other two species.

(2) to place the following names on the Official List of Specific Names in Zoology:

(a) *Eudypetes sclateri* Buller, 1888;

(b) *Eudypetes robustus* Oliver, 1953;